



CDSS

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GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

November 4, 2011

ALL COUNTY LETTER NO. 11-61

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY PROBATION OFFICERS
 ALL TITLE IV-E TRIBES
 ALL FOSTER CARE MANAGERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL ADMINISTRATIVE LAW JUDGES
 ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: EXTENDED FOSTER CARE (EFC)

REFERENCE: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010)

This All County Letter (ACL) will focus on the extension of Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits for youth that **remain** in foster care beyond age 18. Further, this ACL is intended to address only those youth who are in foster care at age 18 and wish to continue in the Foster Care Program beyond age 18, without a break in care.

In addition, California Work Opportunity and Responsibility to Kids (CalWORKs) benefits for court dependents placed with approved relatives is extended beyond age 18, Kinship Guardianship Assistance Payments (Kin-GAP) and Adoption Assistance Payment (AAP) benefits may also be extended after age 18 and up to age 21 for youth who entered Kin-GAP and AAP after attaining his/her 16th birthday and who are otherwise eligible. Separate ACLs will discuss the specific eligibility rules for extension of CalWORKs, Kin-GAP and AAP benefits beyond the age 18. The ACL 11-15, dated January 31, 2011, has already been released with information on Kin-GAP.

The AB 12 requires the California Department of Social Services (CDSS) to consult with stakeholders to implement provisions of AB 12 that relate to the extension of foster care benefits. This ACL, attachments, and form, were developed by CDSS and stakeholders to provide policy guidance and documentation to determine and maintain a youth's eligibility for extended foster care benefits. Counties shall have some discretion as to which county files will contain the backup documentation of participation and a process for retrieval of the Eligibility Worker (EW) and Case Manager (CM) files. However, CDSS strongly recommends that a copy of the participation documentation be kept in the EW's file. Henceforth, all references to CMs include both social workers and probation officers. In addition, counties should establish a reminder/tickler system for the six-month certification process.

A separate ACL will be released detailing the re-entry procedures. Counties are encouraged to immediately begin identifying potentially eligible youth to discuss options and plan for their continuance in foster care after January 1, 2012.

EXTENDED FOSTER CARE ELIGIBILITY CRITERIA FOR YOUTH WHO WISH TO REMAIN IN FOSTER CARE

In order to be eligible for AFDC-FC benefits after age 18, a non-minor must meet the definition of a non-minor dependent (NMD) as defined in Welfare and Institutions Code (W&IC) section 11400.

The following eligibility criteria are the same for both the state and federal Extended Foster Care Programs and include:

- Age
- Education and Employment Participation Conditions
- Transitional Independent Living Case Plan including the Transitional Independent Living Plan (TILP) updated each six months
- Authority for placement
- Eligible facilities

Each of the above criteria is discussed in more detail below. If a NMD was eligible for federal AFDC-FC at the time the youth turns age 18, they remain eligible for federal AFDC-FC as long as all other eligibility conditions are met which includes the participation conditions, six-month status review hearing and the youth's subsequent permanency planning hearing(s). A new Title IV-E determination is not necessary. If a NMD was previously eligible for state AFDC-FC benefits, they remain eligible for state AFDC-FC benefits.

AGE CRITERIA FOR EXTENDED FOSTER CARE (EFC)

In order to be eligible for EFC, a youth has to be in foster care under the placement and care responsibility of the county welfare or probation department or a Title IV-E tribe on his/her 18th birthday. In addition, the non-minor must be under the age limits specified in W&IC section 11403. That is, effective January 1, 2012, a youth who was in foster care, under the jurisdiction of the juvenile court or a Title IV-E Indian tribe, on his/her 18th birthday is eligible to receive foster care until age 19 regardless of funding source.

Effective January 1, 2013, a youth who was in foster care, under the jurisdiction of the juvenile court or a Title IV-E Indian tribe on his/her 18th birthday is eligible to receive foster care benefits until age 20. The final extension to age 21 cannot occur before January 1, 2014, and requires additional action by the Legislature. If and when the Legislature approves the extension of foster care beyond age 20 up to age 21, there will be an additional ACL released.

EDUCATION AND EMPLOYMENT PARTICIPATION CONDITIONS

Effective January 1, 2012, the continuing education requirements at Eligibility and Assistance Standards Manual, 45-201.11 no longer apply to foster children attaining age 18. Instead, a NMD must meet one of five education and employment participation conditions in order to continue to receive extended foster care benefits after age 18. The following conditions must be verified by the NMD's CM and documented on the attached Six-Month Certification of Participation Form (SOC 161). The SOC 161 is prospective in nature and certifies that the NMD is currently in compliance and is expected to continue with compliance for the following six months as described in the youth's TILP. **So long as the SOC 161 is received by the end of the month following the month in which the next update was due, the form is considered timely. For example, if the next SOC 161 was due November 15, so long as it is received by eligibility on or before December 30th, the form is timely.**

One of the following five conditions below, or a combination of the first four conditions, can satisfy the participation requirements. The NMD is considered to be continuously participating in his or her six-month TILP during periods of transition from one activity to another. In the six-month TILP, each NMD should have a primary plan for participation by meeting one or more of the eligibility conditions as well as a back-up plan in the event that the NMD is not able to carry out the primary plan.

1. Secondary Education

In order to satisfy the criteria of completing secondary education or a program leading to an equivalent credential, the NMD must be enrolled in a program of secondary education. Enrollment includes, but is not limited to, a public high school, charter high school, an alternative high school, a non-public school, adult education classes, or any other course of study leading towards completion of a high school diploma, General Equivalency Degree, High School Proficiency Certificate, or High School Completion Certification. Enrollment is deemed continuous during any summer or other scheduled break in the school program.

A NMD who is participating in special education activities as described in his/her Individualized Education Plan is also deemed to be in compliance with this participation condition.

CMs

The CM will obtain verification of participation. After completing the TILP with the NMD and reviewing the documentation of participation, the CM shall complete the SOC 161. Acceptable documentation may include, but is not limited to, an unofficial transcript, an electronic copy of the student's current course schedule, a letter from the institution or other similar documentation. The SOC 161 must be forwarded to the EW. A copy of the SOC 161 and all applicable documentation must be kept in the CM's case file.

EWs

The EWs will verify participation by reviewing and signing the SOC 161 for participation requirements. A copy of the SOC 161 shall be filed in the EW's income maintenance case.

See Attachment A, Number 1: Completing secondary education or a program leading to an equivalent credential.

2. Post-secondary or Vocational Education

In order to satisfy the criteria of enrollment in an institution which provides post-secondary or vocational education, a NMD must be enrolled at least half-time. Participants who are enrolled in post-secondary education or vocational training at less than half time, but in at least one course, do not qualify under this participation condition but can qualify for EFC benefits under participation condition number three participating in an activity designed to promote or remove barriers to employment.

Enrollment in any for-credit or non-credit courses at an institution shall be included as qualifying under this requirement. Formal admission to an institution is not required and includes situations where a student is enrolled in individual courses without being enrolled in the institution. Courses taken at any institution which is licensed to operate in the state of California, or taken at a comparable institution located or licensed to operate in another state, will count towards the participation requirement. Enrollment is deemed continuous during a summer or other scheduled break in the school program.

This provision also applies to participants on a summer or other break from school or who are awaiting admissions determinations or pending enrollment in courses. Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary), this shall not result in automatic disqualification from EFC benefits so long as the youth would qualify under another category of eligibility, or is incapable of participating, as described below.

CMs

The CM will obtain verification of participation. After completing the TILP with the NMD and reviewing the documentation of participation, the CM shall complete the SOC 161. Acceptable documentation verifying participation could include, but is not limited to, an unofficial transcript, an electronic copy of the student's current course schedule, or a letter from the institution or other similar documentation. The SOC 161 must be forwarded to the EW. A copy of the SOC 161 and all applicable documentation must be kept in the CM's case file.

EWs

The EWs will verify participation by reviewing and signing the SOC 161 for participation requirements. A copy of the SOC 161 shall be filed in the EW's income maintenance case.

See Attachment A, Number 2: Enrolled in an institution which provides post-secondary or vocational education. .

3. Participating in a Program or Activity Designed to Promote or Remove Barriers to Employment

A program or activity designed to promote or remove barriers to employment is an individualized program based on a youth-centered assessment of skills and needs. Such activities may include, but not be limited to, unpaid employment, volunteer activities, unpaid intern or apprenticeships. Additionally, participation in programs

for drug or alcohol addiction treatment will meet this participation criteria. These activities could be self-directed, completed in conjunction with the youth's caregiver or CM, or part of an organized program.

A NMD shall be deemed participating in a program or activity designed to promote or remove barriers to employment as long as the youth is participating in regular meetings with his/her CM to develop and implement his or her TILP.

CMs

The CM will obtain verification of participation. After completing the TILP with the NMD and reviewing the documentation of participation, the CM shall complete the SOC 161. The SOC 161 must be forwarded to the EW. A copy of the SOC 161 and all applicable documentation must be kept in the CM's case file.

EWs

The EWs will verify participation by reviewing and signing the SOC 161 for participation requirements. A copy of the SOC 161 shall be filed in the EW's income maintenance case.

See Attachment A, Number 3: Participating in a program or activity designed to promote, or remove barriers to employment.

4. Employed for at least 80 hours per month

In order to satisfy this criteria, the NMD must be engaged in full- or part-time employment activities which include, but are not limited to, paid employment, paid internships, apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), vocational rehabilitation, or work study programs. As long as the NMD is scheduled to work at least 80 hours a month, he/she shall be deemed to meet this participation condition even if the NMD does not actually work that number of hours due to holidays, illness, excused absences or other circumstances beyond the NMD's control. As with all Independent Living Program income, earned income shall be disregarded for purposes of eligibility determination as specified in the NMD's TILP Plan.

CMs

The CM will obtain verification of participation. After completing the TILP with the NMD and reviewing the documentation of participation, the CM shall complete the SOC 161. Acceptable documentation verifying participation may include, but is not limited to,

NMD's work schedule, pay stubs, a statement of hiring from the employer, or a statement of acceptance from the apprenticeship or internship program. Verification should be obtained in the manner that respects the NMD's privacy and the confidentiality of their foster care status by enabling the NMD to utilize whatever verification the employer or internship commonly provides and without asking the NMD to obtain any special documentation that may impinge on his/her privacy. The SOC 161 must be forwarded to the EW. A copy of the SOC 161 and all applicable documentation must be kept in the CM's case file.

EWs

The EWs will verify participation by reviewing and signing the SOC 161 for participation requirements. A copy of the SOC 161 shall be filed in the EW's income maintenance case.

See Attachment A, Number 4: Employed for at least 80 hours per month.

5. Incapable of Doing Any of the Above

Medical conditions that render a NMD incapable of doing any of the activities described in subparagraphs one to four above include both short-term and long-term medical conditions, as verified by a health care practitioner. A healthcare practitioner is defined as any individual provider who is licensed or otherwise authorized by the state, county or city in which the provider is located to provide services related to physical or mental health. If a NMD does not undertake remedial measures to treat a verified medical condition, he or she will still be deemed to have a qualifying medical condition under this subparagraph.

A non-minor who is eligible for a disability program including, but not limited to, Supplemental Security Income, Social Security Disabled Adult Child benefits, State Disability Insurance, or Regional Center Services is deemed to have a medical condition that renders him/her incapable of doing one of the other activities. The non-minor is deemed eligible for extended benefits under this section upon a verification of eligibility for a disability program and need not obtain additional written verification. Verification of disability benefits status may include an award letter, notice of action, copy of the check or benefit identification card.

CMs

The CM for the NMD is responsible for obtaining one of the following: (1) the written verification from a healthcare practitioner stating that the non-minor has a medical condition and that he or she cannot consistently meet the full requirements of

subparagraphs one to four or (2) the verification of the NMD's disability benefits status. The SOC 161 must be forwarded to the EW. A copy of the SOC 161 and all applicable documentation must be kept in the CM's case file.

EWs

The EWs will verify that the SOC 161 states that a youth is incapable of participating. A copy of the SOC 161 shall be reviewed, signed, and filed in the EW's income maintenance case.

See Attachment A, Number 5: (5) Incapable of doing any of the activities described in subparagraphs one to four, inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the NMD.

PARTICIPATING IN A TRANSITIONAL INDEPENDENT LIVING CASE PLAN

In order to meet the participation conditions listed above, a NMD must have an updated Transitional Independent Living Case Plan, which includes the TILP in place. The TILP must document which of the participation conditions the youth is participating in and, as mentioned above, should also include a backup plan should the youth need to transition to a different participation condition.

AUTHORITY FOR PLACEMENT

In order for a NMD to be eligible for EFC benefits, the non-minor must remain under the jurisdiction of the juvenile court as a dependent or delinquent and be under the placement and care responsibility of the county child welfare or probation department or Title IV-E tribe. Placement authority is evidenced by the court order of placement. Title IV-E case plan requirements regarding six-month court or administrative reviews and subsequent 12 months court permanency planning hearings continue for this population.

The mutual agreement is the document that the minor or NMD signs specifying his/her intention to remain in EFC and comply with program requirements and eligibility conditions. The mutual agreement further specifies what the NMD receives from the child welfare, probation or Title IV-E tribe agency. The mutual agreement is not a condition of payment for AFDC-FC benefits for NMDs, but it must be completed within six months of the NMD turning age 18 in order for the NMD to continue to participate in EFC. A copy of the mutual agreement must be kept in both the services and eligibility files.

ELIGIBLE FACILITIES

In addition to any of the existing licensed and approved eligible facilities (foster family home, foster family agency certified home, small family home, group home, relative placement, non-related extended family member, transitional housing placement, etc.) available to both minors and NMDs, a NMD may also live in a supervised independent living placement (SILP) or a Transitional Housing Placement Plus-Foster Care placement. A SILP must be approved for that youth in the NMD's case plan by a CM and may include dormitories, room and board arrangements, shared apartments, etc. The new licensing and approval standards for these placements for NMDs will be discussed in separate ACLs.

The CM's shall continue to use existing procedures to immediately send a SOC 158A to the EW informing of any change of placement of the NMD to a new licensed or approved facility. Per existing procedures, the EW shall ensure the facility is eligible for an AFDC-FC payment.

Placement in a group home is restricted to a NMD under age 19 in order to complete high school. Beyond age 19, a NMD can only be in a group home based on a qualifying medical condition as described in participation condition number five above. However, treatment received in the group home for the medical condition does not in and of itself disqualify the NMD from the group home placement.

PAYMENT INFORMATION

A NMD receiving extended foster care benefits shall continue to receive the rate established for the type of placement. The NMDs receiving extended foster care benefits are also eligible for applicable Specialized Care Increments (SCI), Regional Center Dual Agency rates, county clothing allowances, and Infant Supplements/Whole Family Foster Home rates where appropriate based on the placement type. Generally, a NMD is not eligible for CalFresh. Check with CalFresh Program staff for further information.

A NMD in a SILP will receive the basic foster care rate and any applicable clothing allowance. The NMD in a SILP is not eligible for an SCI. The NMD in a SILP may be authorized to be his/her own payee (for this type of placement only).

For NMDs participating in EFC, the county with juvenile court jurisdiction shall have payment responsibility. The EFC cases funded by AFDC-FC, are subject to the same annual review of eligibility criteria that AFDC-FC cases for minors are (see ACL 11-10).

In addition to an annual review, an updated certification of the five participation criteria discussed (education, employment, etc.) above shall occur every six months as part of the NMD's case plan and TILP review. The CM will send all regular foster care forms to eligibility annually at the time of the annual review and the SOC 161 every six months in conjunction with the case plan and TILP update.

A separate ACL will describe the new aid codes.

TERMINATION OF PAYMENT OF AFDC-FC BENEFITS

Payment of AFDC-FC benefits continues when the NMD turns age 18 as long as the NMD remains under juvenile court jurisdiction and under the placement and care responsibility of the county welfare or probation department or Title IV-E tribe, lives in an eligible licensed or approved facility, and meets one of the five participation conditions. If the NMD no longer resides in any eligible facility, payment will terminate under existing rules.

If the NMD no longer wishes to continue participating in extended foster care, then a W&IC section 391 hearing is scheduled in order to terminate court jurisdiction. If the court terminates jurisdiction pursuant to a W&IC section 391 hearing, then eligibility for AFDC-FC benefits ends as of the date of the court order terminating jurisdiction.

If the NMD wishes to remain in EFC but there is a dispute between the NMD and the county social services agency with regard to whether the NMD is meeting one of the five participation conditions, then the juvenile court must make a finding as to whether or not the NMD is participating. The CM will present the latest TILP, along with any other reports mandated by the court, showing the NMD's level of participation and efforts by the CM to assist the NMD in maintaining eligibility. If the juvenile court finds that the NMD is refusing assistance and services to meet one of the five participation conditions, then the CM shall direct the EW to issue Notices of Action to the payee, the NMD and the NMD's attorney to terminate AFDC-FC benefits. If the NMD wishes to request an administrative hearing to challenge the termination of AFDC-FC benefits, he/she is afforded all the usual rights to an administrative hearing and aid paid pending.

When a payment will terminate due to the NMD aging out or a court order as described above, the aid payment shall cease at the end of the month in which the youth ages out or the court orders termination.

CHILD SUPPORT REFERRALS

A child support referral is not required for any NMD over age 19.

MEDI-CAL

The NMDs receiving EFC benefits under aid code 40 or 42 until their new AB 12 extended aid codes for tracking is established, will continue to be eligible for Medi-Cal benefits. Non-minors under 21 not receiving a Title IV-E cash payment will continue to be eligible for Medi-Cal benefits provided they meet the requirements for Medi-Cal eligibility under the Former Foster Care Children's Program. In order for a child to be eligible under the Former Foster Care Children's Program, the child must be in foster care under the responsibility of the state on his/her 18th birthday, be under 21 years of age, and reside in the state.

OUT-OF-STATE PLACEMENTS

The NMDs in out-of-state placements are eligible to extended foster care benefits. If the child is placed out-of-state, services under the Interstate Compact on the Placement of Children (ICPC) after age 18 will be at the discretion of the other state and counties should work cooperatively to see if the other state will agree to continue the case under ICPC. To the extent the receiving state does not agree to continue ICPC supervision services beyond age 18, then it will be the county's responsibility to provide or secure such services via contract or other agreement.

If you have any questions about EFC benefits, please contact your Foster Care Funding and Eligibility Consultant at (916) 651-2752. If you have questions about CM activities or responsibilities related to AB 12, please contact the Permanency Policy Bureau at (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

Attachment A

DEFINITIONS OF THE 5 PARTICIPATION CONDITIONS:

A nonminor dependent shall meet the eligibility standard for Extended Foster Care (EFC) or a nonminor former dependent for extended payment benefits for Adoption Assistance Program (AAP) or Kinship Guardianship Assistance Payment Program (Kin-GAP) by participating in at least one of the following five conditions. The nonminor dependent's plan of participation shall be described in his or her Transitional Independent Living Case Plan shall include a written description of the services that will help the nonminor dependent which provides the basis for the six month certification of eligibility made by the placing agency's case manager to the eligibility worker and the court. During the six month certification period, the nonminor dependent shall report to his or her worker any changes in the participation plan and they shall work together collaboratively to ensure ongoing eligibility as the nonminor dependent assumes increasing levels of responsibility and independence.

"Transitional Independent Living Case Plan" is the nonminor dependent's case plan, updated every six months, that describes the goals and objectives of how the nonminor will make progress in the transition to living independently and assume incremental responsibility for adult decision making, the collaborative efforts between the nonminor and the social worker, probation officer, or Indian tribe and the supportive services as described in the Transitional Independent Living Plan (TILP), which is part of the case plan, to ensure active and meaningful participation in one or more of the participation conditions.

To the extent possible, verification for all 5 conditions should be obtained in the manner that respects the nonminor dependent's privacy and the confidentiality of their foster care status by enabling the nonminor dependent to utilize whatever verification the employer or internship commonly provides and without asking the nonminor to obtain any special documentation that may impinge on his/her privacy.

(1) Completing secondary education or a program leading to an equivalent credential.

In order to satisfy the criteria of completing secondary education, the nonminor dependent must be enrolled in a secondary school or a program leading to an equivalent credential. Enrollment can be in a public high school, charter high school, an alternative high school, a nonpublic school, adult education classes, or any other course of study leading towards completion of a high school diploma, General Equivalency Degree, High School Proficiency Certificate, or High School Completion Certification. Enrollment is deemed continuous during any summer or other scheduled break in the school program.

A nonminor dependent who is participating in special education activities as described in his/her Individualized Education Plan (IEP) is deemed to be in compliance with this participation condition.

Verification of enrollment can be satisfied by requesting that the participant provide proof of enrollment that indicates the courses that the student is enrolled in. Acceptable documentation could include, but is not limited to, an unofficial transcript, an electronic copy of the nonminor dependent's current course schedule, or a letter from the institution or other similar documentation.

Examples of How a Nonminor Dependent Meets Requirement for Completing High School or Secondary Education

In order to be considered participating in a program that is leading towards completion of a high school or secondary education, the youth can be doing one of the following (including but not limited to):

1. Independent study
2. Nonpublic School
3. Public High School
4. Home Schooling
5. Private High School
6. Alternative High School/Continuation School
7. Special Education Classes
8. Adult School (to complete GED)

(2) Enrolled in an institution which provides postsecondary or vocational education.

In order to satisfy the criteria of enrollment in an institution which provides post-secondary or vocational education a nonminor dependent must be enrolled at least half-time. In most institutions, including the California public college and university systems, this will consist of enrollment in at least six semester course units or quarter course equivalent. In some cases a different standard of tracking enrollment may be utilized by an institution, such as some vocational courses which define enrollment in "clock hours" rather than credits, and the half-time standard should be applied accordingly.

Further, satisfaction of the enrollment requirement does not require formal admission to an institution and includes situations where a student is enrolled in individual courses without being enrolled in the institution, such as University extension courses. Courses taken at any institution which is licensed to operate in the State of California, or taken at a comparable institution located or licensed to operate in another state, shall count towards the participation requirement. Nonminor dependents can take coursework at multiple institutions to equal the half-time standard.

If a nonminor must take remedial courses as a pre-requisite to enroll in standard general education coursework, these courses are also eligible even if they do not meet the standard amount of units as other coursework (three units per class). In these cases, the part-time equivalent of two courses would apply and qualify the nonminor as meeting the postsecondary education requirements.

This provision also applies to participants on a summer or other scheduled school breaks or who are awaiting admissions determinations or pending enrollment in courses. Official school breaks do not disqualify youth from meeting the eligibility criteria.

Participants who are enrolled in post-secondary education or vocational training at less than half time, but in at least one course, do not qualify under this participation condition, but can qualify for EFC benefits under participation condition #3 (an activity designed to promote, or remove barriers to employment).

Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary) this shall not result in automatic disqualification from EFC benefits. The nonminor dependent should be given a reasonable amount of time to start participation in a different participation condition. Participation in condition #3 is the best option to transition a nonminor dependent into another participation condition or to bridge the gap if he/she wants to enroll in classes again the next semester.

Verification of enrollment at a post secondary or vocational institution can be made by requesting that the participant provide proof of enrollment that indicates the credit and non-credit courses that the student is enrolled in. Acceptable documentation could include, but is not limited to, an unofficial transcript, an electronic copy of the student's current course schedule, or a letter from the institution or other similar documentation. Official transcripts are not required.

Examples of How a Nonminor Dependent Meets the Postsecondary Education/ Training Requirements:

Eligible Institutions

Eligible Institutions include, but are not limited to:

- All public postsecondary systems in California (Community College, California State University and University of California);
- All public postsecondary systems outside of California (Community Colleges and Universities);
- Schools approved by the Bureau for Private Postsecondary Education;
- Schools accredited through the Western Association of Schools and Colleges;

- Schools approved or accredited through a similar body in another state;
- Courses taken through correspondence or on-line studies that are affiliated with a licensed institution count towards the participation requirement.

Unavailable Coursework

If a nonminor dependent is unable to enroll in any coursework due to required classes being full, participation condition # 3 should be used for supporting the nonminor dependent until the nonminor dependent can enroll in the next available semester. Additionally, if a nonminor dependent is only able to enroll in one course and does not meet the part-time requirement, the nonminor dependent is eligible under participation condition #3 and this should be documented on the Transitional Independent Living Case Plan if it is not already listed as a back-up plan.

Impact of Dropping Courses

Additionally, if a student drops courses mid-term (whether considered voluntary or involuntary), this shall not result in automatic disqualification from AB12 benefits. If this happens, it is best to use the back-up plan of participation condition #3. If the nonminor dependent does not wish to do this then the court must review the circumstances surrounding the student's decision to determine if the nonminor dependent can maintain eligibility until there is opportunity to re-enroll in the following term. There are many factors that may result in failing to complete courses in which they enrolled. Circumstances that would be considered as extenuating factors could include, but are not limited to:

- a. The student has learning disabilities or mental health issues (diagnosed or undiagnosed) that prevented the student from successfully completing the coursework.
- b. A personal or family emergency, such as the loss of housing, family illness, medical emergency, or intervention by the young person's family of origin interfered with the student's ability to complete coursework.
- c. A lack of affordable childcare interfered with the student's ability to attend classes or complete coursework.
- d. The courses in which the student enrolled were inappropriate for his/her skill level and the student must first take remedial classes or access tutoring services in order to successfully complete college level coursework.
- e. A delay in financial assistance or other financial hardship presented a barrier to completing coursework.

(3) Participating in a program or activity designed to promote, or remove barriers to employment.

A program or activity designed to promote, or remove barriers to employment is an individualized program based on a youth centered assessment of skills and needs. These activities could be self-directed, completed in conjunction with a nonminor dependent's caregiver or social worker, or part of an organized program. Unpaid employment, internships, volunteer activities, vocational rehabilitation or participation in a substance abuse program also meet this participation condition.

A nonminor dependent shall be deemed participating in a program or activity designed to promote, or remove barriers to employment as long as the youth is working toward meeting goal(s) in his/her Transitional Independent Living Case Plan by participating in an Independent Living Program activity or a program that moves the youth forward in reaching a goal on his/her TILP. See Attachment C for sample activities.

A nonminor dependent who is meeting eligibility requirements solely through this participation condition should be working toward developing skills that will help him/her to transition to the education or employment participation condition to ensure that he/she is adequately prepared to transition to independence at the end of his/her time in EFC. This participation condition is intended to help bridge gaps in a nonminor dependent's readiness for achieving more responsibility in college, vocational school or employment. For nonminor dependent's meeting eligibility solely through this requirement, at the six month certification period it should be considered if the nonminor dependent can successfully move to another eligibility condition.

This participation condition should always be used as a back-up plan for the nonminor dependent's TILP in case the nonminor dependent intentionally or unintentionally experiences a break in participation in an educational or employment activity part way through the six month eligibility certification period. For example, the nonminor dependent quits his/her job but does not have other employment lined up.

For a nonminor who is re-entering foster care after a break, the initial meeting with the social worker to select the participation activity satisfies the requirement of removing barriers to employment. However, the nonminor must begin participating in the activity within a reasonable amount of time after re-entry.

Verification for this condition will vary depending on the activity that nonminor dependents are participating in. A certificate of completion for a class or training is sufficient for more formal or structured programs. However, as this category is very broad, verification can also be as flexible as documentation in a case manager's notes when the NMD shows the case manager a revised resume or discusses the outcome of job searches and/or interviews.

Examples of Programs and Activities Designed to Promote or Remove Barriers to Employment

The program or activities designed to remove barriers to employment that the youth participates in may include, but not be limited, to:

- job skill classes/training;
- distance learning;
- on-line tutorials;
- job shadowing;
- mentoring;
- volunteering;
- internship and apprenticeship;
- resume/interview skills classes/training;
- career exploration classes/training/programs;
- dress/hygiene/health care management classes/training/;
- counseling/therapy;
- social skills classes/training/programs;
- anger management classes/training/programs;
- substance abuse treatment;
- mental health treatment,
- domestic violence/date violence programs,
- teen parent classes or programs,
- navigating public transportation,
- registering and participating with the OneStop,
- budget and money management classes/training/programs,
- driver's education,
- enrolled in ILP or participating in ILP,
- Workforce Investment Act case management,
- Enrollment in at least one course at college or a vocational program for credit or non-credit,

Non-credit courses which count towards the participation requirement include, but are not limited to, the following classifications of courses:

- Basic Skills
- Developmental or Remedial Education
- English as a Second Language (ESL) courses
- College and Career Planning or College Success Skills Courses
- Workforce Preparation Courses
- Education Programs for Persons with Substantial Disabilities
- Home Economics Careers and Technology
- Not-for-credit Vocational Programs

- Courses taken through University of California Extension or Cal State Open University
- Other such activities designed to promote or remove barriers to employment.

(4) Employed for at least 80 hours per month.

In order to satisfy the criteria of employed for at least 80 hours a month a nonminor dependent must be engaged in full or part time employment activities which includes, but is not limited to paid internships, apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), or work study programs. The nonminor dependent can be engaged in a combination of paid employment activities at one or more places of employment in order to meet the 80 hours a month requirement. As long as the nonminor dependent is scheduled to work at least 80 hours a month, he/she shall be deemed to meet this participation condition even if the nonminor dependent does not actually work that number of hours due to holidays, illness, approved vacation (by employer) or other circumstances beyond the nonminor's control.

Any earned income shall be disregarded for purposes of eligibility determination as specified in the nonminor dependent's TILP.

Verification of employment for at least 80 hours per month may include, but not be limited to, providing a copy the nonminor dependent's work schedule, pay stubs, a statement of hiring from the employer, or a statement of acceptance from the apprenticeship or internship program.

Examples of Resources and Work Programs

1. Job Corps
2. VISTA
3. Workforce Investment Boards
4. One Stops
5. Ticket to Work

(5) Incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor dependent.

In order to satisfy the eligibility criteria set forth in W&IC section 11403 (b)(5), two determinations must be made. First, a nonminor dependent must have a “medical condition.” Second, the medical condition must render the minor incapable of doing any of the activities described in subparagraphs (1) to (4).

A “medical condition” is a physical or mental state that limits a nonminor dependent’s ability to participate in any of the activities described in subparagraphs (1) through (4), as verified by a healthcare practitioner. A healthcare practitioner is defined as any individual provider who is licensed or otherwise authorized by the state, county or city in which the provider is located to provide services related to physical or mental health. If a nonminor dependent does not undertake remedial measures to treat a verified medical condition, he or she will still be deemed to have a qualifying medical condition under this subparagraph.

A nonminor dependent is deemed “incapable of doing any of the activities described in subparagraphs (1) to (4)” if he or she cannot consistently meet the criteria of subparagraphs (1) to (4) due to the documented medical condition.

Verification that a nonminor dependent cannot consistently meet the full requirements of subparagraphs (1) to (4) can be satisfied by written documentation by a healthcare practitioner which explains that one of the reasons that the nonminor is unable to meet the criteria of subparagraphs (1) to (4) is because he or she has a “medical condition” as defined in this subsection. A nonminor dependent who is eligible for a disability program including, but not limited to, Supplemental Security Income, Social Security Disabled Adult Child benefits, State Disability Insurance, or Regional Center Services may have a medical condition that fits under this participation condition if the medical condition renders him/her incapable of participating in an education plan to complete high school (or equivalent), attend college or vocational school at minimum part-time or maintain part-time employment.

The nonminor dependent is deemed eligible for extended benefits under this section upon a verification of eligibility for such a condition. Verification of disability benefits status may include an award letter, notice of action or copy of the check or benefit identification card.

The nonminor dependent, unless incapable, is responsible for obtaining and providing the social worker or probation officer with one of the following: (1) the written verification from a healthcare practitioner stating that the nonminor dependent has a medical condition and that he or she cannot consistently meet the full requirements of subparagraphs (1) to (4) or (2) the verification of the nonminor dependent’s disability benefits status. If the

nonminor dependent is incapable of obtaining verification the caregiver or social worker will need to assist the nonminor or obtain the verification.

Note: These definitions were developed collaboratively with CDSS, CWDA, sponsors of AB 12, county representatives and stakeholders.

Revised September 7, 2011

SIX-MONTH CERTIFICATION OF EXTENDED FOSTER CARE PARTICIPATION

Instructions: The purpose of this form is for the social worker/probation officer (SW/PO) to certify a nonminor's participation in extended foster care (EFC) activities and transmit it to the eligibility worker (EW).

Nonminor's name: _____ Case Number: _____ DOB: _____

I. Nonminor's transitional independent living plan (TILP) was updated on _____. Nonminor's six-month plan to meet participation is: (DATE)

- Primary participation activity in # _____ with backup plan in participation # _____.
- Combination of activities in participation # _____ and participation # _____.
- Incapable of doing activities in participation activity #1 through #4 due to a medical condition.

Participation Activities

1. Complete secondary education/equivalent credential.
2. Enroll in post secondary/vocational education institution.
3. Participating in activity designed to promote or remove barriers to employment.
4. Employed at least 80 hours per month.
5. Incapable of doing any activities in number (1) to (4) due to medical condition.

II. Certification

- **Nonminor dependent:** I certify the nonminor dependent is eligible for EFC based on the updated TILP for the next six-month period. Regular updates on participation will be verified and documented in the Child Welfare Services/Case Management System (CWS/CMS) Contact Notebooks and SW/PO court reports with the six-month case plan updates. Should the juvenile court terminate jurisdiction of the nonminor, I will notify the EW immediately.
- **Ward of nonrelated legal guardian:** I certify the nonminor is eligible for EFC based on the updated TILP for the next six-month period. Regular updates on participation will be verified and documented in the Child Welfare Services/Case Management System (CWS/CMS) Contact Notebooks and the six-month case plan updates. Should the nonminor cease eligibility for EFC, I will notify the EW immediately.

SW/PO Name: _____

SW/PO Signature: _____ Date: _____

The SW/PO must send this Certification Form to the EW.

Received by:

EW Name: _____

EW Signature: _____ Date: _____

Copies must be kept in SW/PO and EW case files.